IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

COMPANY PETITION No.692 of 2003.

Uttam Galva Steels Ltd. ..Petitioner.

V/s.

Renuka Press Fab Pvt. Ltd. ..Respondent.

Mr Gopal Shah i/b Dhebar & Shah for the Petitioner.

None for the Respondent.

CORAM: V.C. DAGA,J.

DATED: 7TH FEBRUARY,2007.

P.C.:-

1. Heard the learned counsel appearing for the petitioner. None appears for the respondent though served. No reply has been filed opposing the petition. Perused petition.

2. According to the petitioner, it has engaged in the business of manufacturing Cold Rolled Sheets/Coils and are exporters for the same. Pursuant to the various orders placed by the Respondent Company, the petitioners have from September 2002 supplied/delivered to the Respondent Company the C.R.C.A. sheets ordered for which have been duly accepted by the Company without raising any objection whatsoever. According to the petitioner,it

has issued Invoices cum delivery challans during the period July, 2002 to September, 2002. The same are produced on record. The petitioner has given account of the supplied goods from time to time as per the particulars of claim incorporated in Exh.A. The liability of the petitioner has been admitted by the Respondent Company vide it's letter dated 27th June, 2002 which is on record at Exh.B.

3. Since the respondent company was indebted to the petitioner company to the extent of Rs.60,34,695/-, as per particulars of the claim given in Exh.A; a statutory notice was issued by the petitioner company on 7th March, 2003 (Exh.B) calling upon the respondent company to pay their dues with interest as claimed in the notice. The same has not been replied by the respondent company.

4. The learned Single Judge of this Court vide the order dated 17th December, 2004 was pleased to admit the petition with direction to advertise the same in the "Free Press Journal", "Janmabhoomi" and "Maharashtra Government Gazette" at the cost of the petitioner. Accordingly the petition was

advertised. Inspite of the advertisement, the respondent failed to appear before this Court.

5. Today, when the petition was called out, nobody was present on behalf of the respondent. Under these circumstances, all the allegations made in the petition are remained uncontroverted and can virtually be said to have been admitted by the respondent by remaining silent. No reply has been filed opposing this petition.

6. In the above view of the matter, legal presumption arises that the respondent has failed to discharge it's liability. The said legal presumption remained unrebutted. In this situation, this Court has no other option than to winding up the respondent company. The petition is, thus, allowed in terms of prayer clauses (a) with no order as to costs.

[V.C.DAGA,J]